

REMARKS/DISCUSSION OF ISSUES

Claims 1-20 are pending in the application. Claims 1, 7 and 11 are independent claims. Claims 12-20 are new.

Applicants thank the Examiner for indicating that the drawings are acceptable.

Claims amended for non-statutory reasons, to replace European-style claim phraseology with American-style claim language, are not narrowed in scope and no new matter is added.

New claims are added to at least partially restore the original range of claims that existed before multiple dependencies were removed in the preliminary amendment. No new matter is added.

35 U.S.C. §§ 102 & 103

In the above-mentioned Office action, claims 1, 3 and 5-11 were rejected under 35 U.S.C. § 102(b) over KUBOTA (European Patent Application Publication No. EP1132842). Claims 2 and 4 were rejected under 35 U.S.C. § 103(a) over KUBOTA. Applicants respectfully traverse these rejections for at least the following reasons.

Claim 1

Among other things, the system of claim 1 includes: a plurality of mobile communication devices, configured for use with a cellular communications network, each mobile communication device comprising at least one sensor and a sensor controller for performing measurements; and a server for receiving measurement data from said plurality of mobile communication devices, and for sending measurement instructions to respective sensor control sections of said mobile communication devices.

The Examiner relies on paragraph 0047 of KUBOTA to teach both receiving measurement data from mobile communication devices and for sending measurement instructions to the mobile communication devices. Applicants respectfully submit that paragraph 0047 does not teach or suggest sending "measurement instructions" to the mobile communication device. At most, paragraph 0047 describes downloading "newly-built road" data to a mobile navigation unit for

the unit to update its internal road database. Downloading such data does not teach or suggest providing measurement instructions.

Claim 7

Among other things, the method of claim 7 includes: instructing a sensor controller of a mobile communication device to perform a measurement; and retrieving measurement result data from the mobile communication device through a cellular communication network.

The Examiner relies on paragraphs 0010 and 0060 of KUBOTA to teach the elements of claim 7 (without specifically identifying which features are disclosed by which paragraphs). However, Applicants note that paragraph 0060 only discloses various types of available communications devices (i.e., "a laptop computer, personal digital assistant (PDA), cellular phone, or other such apparatus"). Paragraph 0010 generally describes building and updating a "road/map database" in an accounting system based on information provided by users, as well as delivering road/map data to the users. As discussed above with respect to claim 1, delivering road/map data to a user does not teach or suggest instructing a sensor controller of a mobile communication device to perform a measurement.

Claim 11

Among other things, the method of claim 11 includes: receiving measurement data from a mobile communication device associated with the subscriber through the communication network in response to an instruction; and awarding credit towards billing information of the subscriber on receipt through the communication network of the measurement data performed by the mobile communication device associated with the subscriber.

The Examiner relies on paragraphs 0011 and 0012 of KUBOTA to teach awarding credit towards billing information of a subscriber on receipt through the communication network of measurement data from by the mobile communication device associated with the subscriber. However, claim 11 recites sending an instruction through the communication network to a mobile communication device associated with the subscriber to collect measurement data, and receiving the

measurement data from the mobile communication device through the communication network. As discussed with respect to claims 1 and 7, downloading data, e.g., from a road/map database to a user as disclosed by KUBOTA, does not teach or suggest sending an instruction to collect measurement data.

Therefore, because the reference fails to disclose at least one feature of each of claims 1, 7 and 11, Applicants respectfully submit that claims 1, 7 and 11 are patentable over KUBOTA. Moreover, claims 2-6 and 8-10, which depend from claims 1 and 7, respectively, are also patentable at least for the same reasons as claims 1 and 7.

Claims 2 and 4

Further, with respect to dependent claims 2 and 4, in particular, the Examiner acknowledged that KUBOTA does not disclose the sensor controller being programmable by the server. The Examiner therefore asserts that it would have been obvious to one of ordinary skill in the art under 35 U.S.C. § 103(a) to use programmable sensors in KUBOTA because KUBOTA discloses the use of memory means for storing data received from a remote center. However, the memory unit 12 of KUBOTA, to which the Examiner apparently refers, is part of the mobile navigation unit 10. Therefore, any programming of the sensor (e.g., sensor 13, as asserted by the Examiner) would be local to the navigation unit 10, and would not result from communications with the server, as recited in claims 2 and 4.

Accordingly, for at least these additional reasons, Applicants respectfully submit that claims 2 and 4 are patentable over the cited art.

NEW CLAIMS 12-20

New claims 12-20 depend from claims 1, 7 and 11, respectively, and are deemed patentable for at least the reasons set forth above with respect to claims 1, 7 and 11.

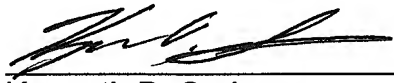
CONCLUSION

In view of the foregoing explanations, Applicants respectfully request that the

Examiner reconsider and reexamine the present application, allow claims 1-20 and pass the application to issue. In the event that there are any outstanding matters remaining in the present application, the Examiner is invited to contact Kenneth D. Springer (Reg. No. 39,843) at (571) 283.0720 to discuss these matters.

Respectfully submitted,

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